

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule LSA Document #11-

DIGEST

Amends 312 IAC 9-1-12 to specify possession of live and dead wild animals. Adds 312 IAC 9-1-12.1 to define possession limit. Adds 312 IAC 9-1-12.5 to define a primary residence. Adds 312 IAC 9-1-12.6 to define the term processed. Amends 312 IAC 9-2-8 by adding the term possession limit and exempting white-tailed deer and wild turkeys. Amends 312 IAC 9-4-7.5 governing the possession limit for nonmigratory gamebirds. Amends 312 IAC 9-5-6 to establish a taking period for collecting reptiles and amphibians from the wild, and establishes a limit to the number that can be taken from the wild and possessed each year, including those that are kept alive. Effective thirty days after filing with the Publisher.

**312 IAC 9-1-12; 312 IAC 9-1-12.1; 312 IAC 9-1-12.5; 312 IAC 9-1-12.6 ; 312 IAC 9-2-8
; 312 IAC 9-4-7.5; 312 IAC 9-5-6**

SECTION 1. 312 IAC 9-1-12 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-1-12 "Possession" defined

Authority: IC 14-11-2-1; IC 14-22-2-6

Affected: IC 14-22

Sec. 12. "Possession" means:

- (1) to have direct physical control or to knowingly have the power and the intention to exercise dominion or control **over wild animals that are not alive; and**
- (2) **to knowingly have the power and intention of keeping a live wild animal in captivity where it cannot escape into the wild.** (*Natural Resources Commission; 312 IAC 9-1-12; filed May 12, 1997, 10:00 a.m.: 20 IR 2699; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

SECTION 2. 312 IAC 9-1-12.1 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-1-12.1 "Possession limit" defined

Authority: IC 14-11-2-1; IC 14-22-2-6

Affected: IC 14-22

Sec. 12.1 "Possession Limit" means twice the daily bag limit of a wild animal.

SECTION 3. 312 IAC 9-1-12.5 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-1-12.5 "Primary residence" defined

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec.12.1. "Primary Residence" means an individual's principal or ordinary habitation used as a home or dwelling for a fixed or indefinite period of time. This does not include temporary or transient lodging used during a:

- (1) **Hunting;**

(2) Fishing;
(3) Pleasure;
(4) Recreation;
(5) Business
trip or other temporary purpose.

SECTION 4. 312 IAC 9-1-12.6 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-1-12.6 “Processed” defined

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. “Processed” means wild animals that have been:

- (1) Cut, wrapped, and frozen;
- (2) Dried;
- (3) Smoked;
- (4) Canned (in tins or jars);
- (5) Vacuum packed; or
- (6) Otherwise preserved for long term storage and later consumption.

SECTION 5. 312 IAC 9-2-8 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-2-8 Possession restrictions

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 8. (a) ~~An individual must not:~~

- ~~(1) possess;~~
- ~~(2) ship;~~
- ~~(3) carry; or~~
- ~~(4) transport;~~

~~more than two (2) times the daily bag limit of a wild animal after the beginning of the second day of the season established to take that wild animal.~~

~~(b)~~ An individual must not take more than the daily bag limit of a wild animal in a calendar day.

(b) An individual may carry the carcass of a wild animal for another individual while in the field or transporting from the field if the individual who took the wild animal is present.

(c) An individual must not:

- (1) possess;**
- (2) ship;**
- (3) carry; or**
- (4) transport;**

more than the possession limit of a wild animal after the beginning of the second day of the season established to take that wild animal unless the wild animal is tagged in accordance with subsections (f) or (g).

(d) The possession limit does not apply to a wild animal that is processed and stored at an individual's primary residence, except for waterfowl and migratory game birds.

(e) An individual who lawfully takes a wild animal may give to another individual one (1) or more carcasses of a wild animal, with no compensation of any kind.

~~(e)~~ **(f) An individual A wild animal that is:**

- (1) gifted;**
- (2) left unattended while in the field; or**
- (3) is not in the immediate vicinity of the individual who took the wild animal while in the field;** must have a tag ~~a wild animal with attached~~ **or be in a container or bag that has** the following information ~~if the individual does not maintain possession of the animal that he or she has taken:~~
 - (1) The individual's name and address of the individual who took the animal.**
 - (2) The total number and species of wild animals taken.**
 - (3) The date the wild animal was taken.**
 - (4) The signature of the individual who took the animal.**

~~(d)~~ **(g) Notwithstanding subsection (e) (f), an individual must tag a:**

- (1) white-tailed deer in accordance with section 3 of this rule 312 IAC 9-3-2; and**
- (2) wild turkey in accordance with 312 IAC 9-4-11.**

(Natural Resources Commission; 312 IAC 9-2-8; filed May 12, 1997, 10:00 a.m.: 20 IR 2701; readopted filed Jul 28, 2003, 12:00p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA)

SECTION 6. 312 IAC 9-4-7.5 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-7.5 General requirements for nonmigratory game birds

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 7.5. (a) An individual must not possess the carcass or parts of a ring-necked pheasant (*Phasianus colchicus*), northern bobwhite quail (*Colinus virginianus*), ruffed grouse (*Bonasa umbellus*), or wild turkey (*Meleagris gallopavo*) unless that ~~person~~ **individual** lawfully took that species:

- (1) during the season established for that species in this rule;**
- (2) with a scientific purposes license under 312 IAC 9-10-6; or**
- (3) with a special purpose salvage permit under 312 IAC 9-10-13.5.**

(b) Notwithstanding subsection (a), an individual who lawfully takes a game bird listed under this section may give to another individual one (1) or more carcasses or parts of these game birds, with no compensation of any kind. A game bird that is gifted must have a tag attached that contains the following information:

- (1) The ~~hunter's~~ name and address of the individual who took the bird.**
- (2) The total number and species of birds taken.**
- (3) The date the birds were taken.**
- (4) The signature of the hunter who took the birds.**

(c) A carcass of a game bird listed under this section may be possessed by any of the following:

- (1) The individual who lawfully took the bird during the season established for that bird.**
- (2) An individual who received the carcass under subsection (b).**
- (3) An individual with a valid taxidermy license under IC 14-22-21 and 312 IAC 9-10-5.**
- (4) An individual with a valid scientific purposes license under 312 IAC 9-10-6.**

- (5) An individual with a valid nuisance wild animal control permit under 312 IAC 9-10-11.
 - (6) An individual with a valid special purpose salvage permit under 312 IAC 9-10-13.5.
- (d) A person may possess live northern bobwhite quail or ring-necked pheasants only:
- (1) with a game breeder license under IC 14-22-20 and 312 IAC 9-10-4;
 - (2) with a dog training ground permit under 312 IAC 9-10-16 for a period of less than five (5) consecutive days only;
 - (3) with a private shooting preserve license under IC 14-22-31;
 - (4) with a scientific purposes license under 312 IAC 9-10-6;
 - (5) with a wild animal rehabilitation permit under 312 IAC 9-10-9; or
 - (6) if purchased from a licensed game breeder and released into the wild within five (5) days of taking possession of the birds.
- (e) An individual must not hunt any of the following species unless the individual wears hunter orange:
- (1) Ring-necked pheasants (*Phasianus colchicus*).
 - (2) Northern bobwhite quail (*Colinus virginianus*).
 - (3) Ruffed grouse (*Bonasa umbellus*).
- (f) A person must not sell northern bobwhite quail or ring-necked pheasants, including their eggs, except under a valid game breeder license under IC 14-22-20 and 312 IAC 9-10-4.
- (g) A person must not sell ruffed grouse or wild turkeys, including their eggs.
- (h) A person must not possess ruffed grouse or wild turkeys, including their eggs, except under one (1) of the following:
- (1) A wild animal rehabilitation permit under 312 IAC 9-10-9.
 - (2) A scientific purposes license under 312 IAC 9-10-6.
 - (3) A special purpose salvage permit under 312 IAC 9-10-13.5.
 - (4) A taxidermy license under IC 14-22-21 and 312 IAC 9-10-5.
- (i) An individual must not:
- (1) possess;
 - (2) ship;
 - (3) carry; or
 - (4) transport;
- more than ~~two (2) times~~ the ~~daily bag~~ **possession** limit of **a carcass of** a game bird listed under this section after the beginning of the second day of the season established to take that bird in this rule.
- (j) An individual may take, possess, and sell a species of quail, pheasant, or partridge that is not:
- (1) an endangered species; or
 - (2) a species listed in subsection (a);
- at any time without a license from the department. (*Natural Resources Commission; 312 IAC 9-4-7.5; filed Mar 12, 2010, 1:28 p.m.:20100407-IR-312090479FRA*)

SECTION 7. 312 IAC 9-5-6 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-5-6 Collection and possession of reptiles and amphibians native to Indiana

Authority: IC 14-22

Affected: IC 14-22

Sec. 6. (a) An individual may take reptiles or amphibians from the wild only as authorized under this section.

(b) Except as provided in this section, an individual must not take ~~or possess~~ **more than two (2) per day and not more than four (4) from April 1 through March 31 of the following year** of any **one** species of reptile or amphibian native to Indiana.

~~(c) Notwithstanding subsection (b),~~ An individual may take not more than twenty-five (25) of the following species of turtles per day, singly or in aggregate:

- (1) Eastern snapping turtle (*Chelydra serpentina serpentina*).
- (2) Smooth softshell turtle (*Apalone mutica*).
- (3) Spiny softshell turtle (*Apalone spinifera*).

~~An individual may possess not more than fifty (50) turtles listed in this subsection, singly or in aggregate.~~

~~(d) Notwithstanding subsection (b),~~ an individual may take not more than twenty-five (25) of the following species of frogs **per day**, singly or in aggregate:

- (1) American bullfrog (*Lithobates catesbeianus*).
- (2) Green frog (*Lithobates clamitans*).

~~An individual may possess not more than fifty (50) frogs listed in this subsection, singly or in aggregate.~~

(e) an individual must not possess more than four (4) live reptiles or amphibians of any one species native to Indiana except as follows:

- (1) as authorized in subsections (c) and (d);**
- (2) with a turtle possession permit under section 11 of this rule;**
- (3) with a wild animal rehabilitation permit under 312 IAC 9-10-9; or**
- (4) with a scientific purposes license under 312 IAC 9-10-6.**

~~(e)-(f)~~ An individual may take turtles at any time of the year.

~~(f)~~ **(g)** An individual may take frogs as established in subsection (d) from June 15 through April 30 of the following year.

~~(g)~~ **(h)** An individual may take turtles by any of the following methods:

- (1) A trap, a net, or another mechanical device that has no opening below the surface of the water.
- (2) Hands.
- (3) A gaff.
- (4) Any method provided by 312 IAC 9-7-2 for sport fishing.

~~(h)~~ **(i)** An individual may take frogs by any of the following methods:

- (1) A gig or spear having a head not more than three (3) inches wide and a single row of tines.
- (2) A bow and arrows.
- (3) A club.
- (4) Hands.
- (5) A single pole or hand line with not more than one (1) hook or artificial lure affixed.
- (6) A .22 caliber firearm, as long as the projectiles discharged from the barrel of the firearm are birdshot.

~~(i)~~ **(j)** An individual may use:

- (1) a spotlight;
 - (2) a searchlight; or
 - (3) another artificial light;
- to assist in taking frogs.

~~(j)~~ **(k)** Notwithstanding subsections ~~(e)~~ **(b) through (d)**, An individual must not take the following from the wild:

- (1) A reptile or amphibian egg.
- (2) An eastern box turtle (*Terrapene carolina*).
- (3) An endangered species of reptile or amphibian.**

~~(k)~~ **(l)** An individual must not sell a reptile or amphibian ~~taken from the wild~~, except for the following:

- (1) A reptile or amphibian lawfully possessed and fitted with a passive integrated transponder under section 9(h) of this rule.
- (2) A bullfrog or green frog tadpole in accordance with section 7(g) of this rule.

~~(l)~~ **(m)** An individual must not sell the offspring of an amphibian taken under this section.

~~(m)~~ **(n)** An individual possessing a valid reptile captive breeder license issued under section 9 of this rule may sell the offspring of a species of snake listed in section 9 of this rule, taken under this section, to any person.

~~(n)~~ **(o)** An individual must not release back into the wild a reptile or amphibian taken from the wild under this section except as follows:

- (1) A reptile or amphibian may be released without a permit issued under ~~subsection (n)(2)~~ ~~[subdivision (2)]~~ **subdivision (2)** if the reptile or amphibian:
 - (A) has not been held in an enclosure with another reptile or amphibian;
 - (B) has not been in captivity for more than thirty (30) days; and
 - (C) is released at the point of capture.
- (2) The division issues a permit to an individual to release an animal, and the individual releases the animal under the terms of the permit.

~~(o)~~ **(p)** An individual may possess a live eastern box turtle only with a:

- (1) turtle possession permit under section 11 of this rule;
- (2) wild animal rehabilitation permit under 312 IAC 9-10-9; or
- (3) scientific purposes license under 312 IAC 9-10-6.

~~(p)~~ **(q)** An individual may possess a live endangered species of reptile or amphibian only with a:

- (1) wild animal possession permit under 312 IAC 9-11;
- (2) wild animal rehabilitation permit under 312 IAC 9-10-9; or
- (3) scientific purposes license under 312 IAC 9-10-6.

~~(q)~~ **(r)** An individual may possess a live venomous reptile only with a:

- (1) wild animal possession permit under 312 IAC 9-11; or
- (2) scientific purposes license under 312 IAC 9-10-6.

(Natural Resources Commission; 312 IAC 9-5-6; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3672; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 543; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-12090616FRA)